

INLAND WETLANDS AND WATERCOURSES COMMISSION
MINUTES
June 5, 2007

THE INLAND WETLANDS AND WATERCOURSES COMMISSION of the Town of Trumbull held a Regular Meeting on Tuesday, June 5, 2007 in the Courtroom of the Trumbull Town Hall.

MEMBERS PRESENT: Richard Girouard, Chairman
John Doris, Vice-Chairman
Andrew Lubin
David Lucas
Arlyne Fox
John Lauria, (arrived at 8:43 p.m.)

ALSO PRESENT: Brian Smith Assistant Town Engineer, Town of Trumbull
Stephen Savarese P.E. L.S. Town Engineer
Dan Schopick, Town of Trumbull Attorney

The following is a brief summary of the meeting. A recording was made on tape and is on file in the office of the Town Engineer, Town Hall, Trumbull, CT.

The Chair convened the meeting at 7:38 p.m.
Ms. Fox led the Commission in the Pledge of Allegiance.
Mr. O'Neill read the Public Hearing Notice.

Upon motion made, (Fox) seconded (Doris), and carried by a vote of 5 in favor (unanimous) it was voted to take Regular and New Business as the first item of business.

New Business:

Application # 07-18 Jose A. Gonzalez-Cardentey Construct new deck at
180 Edison Road.

Mr. Jose A. Gonzalez-Cardentey of 180 Edison Road was present and indicated there is an existing deck and wishes to enlarge it. Photographs of the existing deck and flags of where the deck will be were submitted for the record. The closest point of the new deck will be 15' to the brook; the existing deck is 20' to the brook. Mr. Gonzalez-Cardentey stated he has resided at this address since 2004 and the deck had been there prior to him residing there. Upon motion made, (O'Neill) seconded (Fox), and carried by a vote of 5 in favor (unanimous) it was voted to RECEIVE Application #07-18.

Application #07-19 Peter A. Benyik Remove trees in regulated Area, create lawn.
16 Surrey Lane.

Mr. Peter A. Benyik of 16 Surrey Lane was present and indicated he was seeking permit to clear a small area bordering a wetland area. P&Z has approved removing the trees on the conservation easement area, (conservation easement released), the surrounding

Mr. Anthony Matola of 15 Normandy Road was present. Mr. Matola stated he has resided at that address for 39 years. The water flows intermittently in the wetland area. Mr. Benyik stated the activity would be 15' at it's closest point to the wetlands on the other side of the stonewall. Upon motion made, (O'Neill) seconded (Fox), and carried by a vote of 5 in favor (unanimous) it was voted to RECEIVE Application # 07-19.

Mr. Frank Caruso of 50 Friar Lane was present and indicated the pool would be 85' at its closest point to the wetlands without its apron; the apron will be 3-4' in width. Upon motion made, (Fox) seconded (O'Neill), and carried by a vote of 5 in favor (unanimous) it was voted to **RECEIVE** Application # 07-20.

Mr. Christopher Anderson of 21 Wendy Road was present and indicated he was seeking permit to conduct repairs to the pond. Mr. Anderson purchased this property 2 months ago. The pond is fed by storm water, the pond has been neglected over the years. Photographs of the concrete spillway were submitted for the record, the shed will be 75' away from the pond, Mr. Anderson does not have immediate plans to be the shed although he wanted to include it in the application in order to be able to build it at a later date. The concrete spillway needs to be repaired. The retaining wall will be a planter; no fill will be taken out. Upon motion made, (O'Neill) seconded (Doris), and carried by a vote of 5 in favor (unanimous) it was voted to RECEIVE Application # 07-21.

Upon motion made, (O'Neill) seconded (Fox), and carried by a vote of 5 in favor (unanimous) it was voted to CLOSE New Business at 8:10 p.m.

Atty. Raymond Rizzio was present representing the applicant. Mr. Larry Edwards was also present. Atty. Rizzio indicated this application is the second phase of Colonial

Application #07-16 cont'd.

Village. The Town engineer is concerned there is no authority for the plunge pool request since there is a DOT pipe involved. That portion of the work will not be involved in this application. The first phase and the second phase of the project would have been done simultaneously if the owner of one of the lots were able to sell at the time of the construction of the first phase. There will be no activity within or fill of the wetlands. The closest point to the wetland boundary will be 22'. Moving the clubhouse 5' further away from the tree will preserve the large oak tree. The visitor parking area will be expanded the sidewalk in front of the wall relocated and connected directly to the parking lot.

Mr. Larry Edwards, P.E. L.S. was present. Mr. Edwards stated the property is a total of 33 acres. Mr. Edwards presented and reviewed the map of the wetlands in detail with the Commissioners. There will be a total of 12 units, (6 buildings) and a clubhouse. All activity is outside the wetland area, except the plunge pool previously proposed. The plunge pool will be eliminated from the application. There will be no direct impact to the wetlands, there will be two wetland areas created and proposed with a storm detention system. The second rain garden will pick up the surface flow and will become a wetland. There will be plantings as a demarcation buffer and will also be a natural barrier. The site has public water, sanitary sewers and gas. There is a total of 1000 yards of material from on site to be moved. The rain garden is a recommended storm water management practice as described in the 2004 DEP Manual.

Atty. Rizzio stated the 500-600 sq. ft clubhouse will hold association meetings and private functions; it is a common element. The applicant will agree to a conservation easement.

Atty. Rizzio submitted for the record the condominium documents, Exhibit G, (2 properties acquired on 09/23/2003) and a photograph of plantings from Phase I as recommended by the Commission upon approval of Phase I. Atty. Rizzio explained if any work was to be performed to the state pipe there would be a need for state approval and the applicants would then come back before this Commission.

Atty. Rizzio submitted for the record the revised plans representing the relocation of the clubhouse as Alternate I, the preferred plan.

There was one person present to speak against this application.

- Ms. Elaine Alkon of 3 Century Drive was present. Ms. Alkon stated her property currently has a flooding problem due to the fill that was used. Ms. Alkon stated debris had been left in the areas on the property from the first phase of this project.

Mr. Lauria arrived at 8:43 p.m.

There were 2 people present to speak for this application.

- Mr. Jack Foster of #6 Century Village. Mr. Foster is the original owner and President of the Condominium Assoc. Mr. Foster is unaware of any flooding problems or debris in the area. Mr. Foster also served on the Executive Board and attended every meeting and had never heard of any flooding or debris problems.
- Mr. Frank Gaushish of 2 Century Drive was present. Mr. Goushish lives directly across from #3, his unit directly backs to the wetland. Mr. Gaushish was the first president of the organization and spoke highly of the developers. Gaushish does not agree with the (continued on next page).

Application #07-16 cont'd.

Statements of the owner of unit #3 and objects to any statements that refer to dumping in the stream and is fully supportive of this application.

Ms. Alkon stated she had taken the developers to court and won the judgement for repayment of all repairs.

Atty. Rizzio stated Phase I of the project had been bonded and inspected. The whole Association is pleased with the exception of one person. This is an excellent project; there is no fill, no crossing and no disturbance of the wetlands. The applicant is willing to set a bond as the engineer dictates.

Mr. Doris recused himself from Application #07-15.

APPLICATION #07-15, St. John's Woods, LLC/Angelo Melisi for permit to create a nineteen lot subdivision consisting of eighteen new homes, 100 St. John's Drive, (Continued from May 8, 2007).

Atty. Gumpfer indicated the application's names read incorrectly and requested it to be corrected to read as, "St. John's Wood, LLC for permit to create a nineteen lot subdivision consisting of eighteen new homes, 100 St. John's Drive, (Continued from May 8, 2007).

Atty. Gumpfer explained at last month's meeting it was suggested to eliminate the driveway from home number #1, the house has been moved further away from the wetland, it is now 43' from one wetland and 48' from the other wetland. There is an easement over lot #2 and there is no longer a driveway.

Mr. Jim Rotondo, principle of Rotondo Engineering indicated the original distance to the wetland was 23-25' and is now 43' & 48' from the wetland. Alt. #2 plan was submitted for the record.

Atty. Joel Greene representing Save Nichols noted an objection to submitting new plans at this hearing citing this was the very reason for the continuance at last month's meeting.

Atty. Greene requested this applicant make no further submissions from this time forward. This plan does not meet the basic standards of the IWWC regulations. Atty. Greene submitted a copy of Chapter 6 of the DEP Storm Water Management Manual for the record and reviewed it in detail with the Commission.

Atty. Greene submitted Section 11-58-1 Grass Drainage Channels, 11-53-1 Deep Sump Catch Basin, 11-S10-1 Hydrodynamic Separators of the 2004 Storm Water Quality Manual for the record.

Atty. Greene urged the Commissioners not to approve the subdivision citing that SP #3 is under-engineered. Section 10 paragraph A of the IWWC Regulations was read into the record. This project does not meet the goal of protection of the wetlands.

Atty. Gumpfer cited that Section 8.6 of the IWWC Regulations allows for information to be submitted throughout the process.

Mr. Rotondo spoke to the definitions of treatment train, re: secondary treatment practices. The roadways/impervious surfaces of the site are 3.3 acres. A number of secondary storm water quality practices are in place. Secondary Storm water management practices are adequate for the drainage of this project and to protect the wetlands.

Atty. Gumpfer stated professionals have spoken to this application, the IWWC members know their role in protecting the wetland the only direct impact to the wetland in this application is an area of 130 sq. ft.

The Chair called a recess at 10:15 p.m.

The Chair called the meeting back to order at 10:26 p.m.

The applicant agreed to a continuance on this application.

Upon motion made, (Lubin) seconded (Lauria), and carried by a vote of 6 in favor (unanimous) it was voted to schedule a **special meeting** on 07/17/07 at 7:30 p.m. for the **CONTINUANCE of APPLICATION #07-15** as requested by the applicant and all information requested by the Town Engineer to be submitted by 07/07/07 to allow sufficient time for the Town Engineer to review the data.

Mr. Doris returned to the meeting at 11:07 p.m.

Upon motion made, (Lubin) seconded (Doris), and carried by a vote of 6 in favor (unanimous) it was voted to close the Public Hearing at 11:08 p.m.

Work Session:

Application # 07-18 Jose A. Gonzalez-Cardentey Construct new deck at
180 Edison Road.

Upon motion made, (Lubin) seconded (O'Neill), and carried by a vote of 5 in favor and one abstention, (Lauria) it was voted to APPROVE Application #07-18 as submitted.

Application #07-19 Peter A. Benyik Remove trees in regulated
Area, create lawn.
16 Surrey Lane.

Field Inspection

Application #07-20 Frank Caruso Construct in-ground pool at
50 Friar Lane.

Upon motion made, (Doris) seconded (O'Neill), and carried by a vote of 5 in favor and one abstention, (Lauria) it was voted to APPROVE Application #07-20 as submitted.

Application #07-21 Christopher Anderson Replace retaining wall at driveway,
Add rocks to existing wall around
Pond, repair spillway, install shed at
21 Wendy Road.

Upon motion made, (O'Neill) seconded (Doris), and carried by a vote of 5 in favor and one abstention, (Lauria) it was voted to APPROVE Application #07-21 as submitted.

Application #07-09 James Fracker Const. LLC Create 5 building lots & 1 open
Space.
Lot #2 Booth Hill Road.

Upon motion made, (O'Neill) seconded (Doris), and carried by a vote of 4 in favor and 2 against, (Lauria and Fox) it was voted to APPROVE Application #07-09 subject to the General Conditions as established by the Commission:

- The elevation of lot #5 shall be raised.
- Mitigation shall be per the Town Engineer's supervision.

Mr. Lauria and Ms. Fox left the meeting at 11:53 p.m.

Application #07-16 Viade Development, LLC/ Construct 12 age-restricted Housing
Larry Edward L.S., PE Units.
6766 & 6762 Main Street.

Upon motion made, (O'Neill) seconded (Doris), and carried by a vote of 4 in favor (unanimous) it was voted to APPROVE Application #07-16 subject to the General Conditions as established by the Commission:

- The elimination of the plunge pool
- The redirection of the storm drain towards the rain garden.
- The clubhouse shall be relocated 5', (feet) in the southerly direction for the purpose of preserving the tree.
- The sidewalk shall be relocated in the southerly direction leading to the parking lot.
- Maintenance, (cleaning out of silt) shall be performed immediately and annually thereafter in the spring of subsequent years by hand.

Upon motion made, (O'Neill) seconded (Doris), and carried by a vote of 4 in favor (unanimous) it was voted to APPROVE the May 8, 2007 meeting minutes and the May 22, 2007 Field Inspection Minutes.

The Chairman reviewed the correspondence with the Commissioners.

Application #07-15: Upon motion made, (Lubin) seconded (Lucas), and carried by a vote of 4 in favor (unanimous) it was voted to notify the Town Engineer to deliver to the applicant a list of additional specifications to determine proper flood impact.

FIELD INSPECTION DATE: Tuesday, June 19, 2007

Application #07-19

Adjournment:

Upon motion made, (O'Neill) seconded (Lucas), and carried by a vote of 4 in favor (unanimous) it was voted to adjourn at 12:04 p.m.

Respectfully submitted,

Margaret D. Mastroni
Clerk

